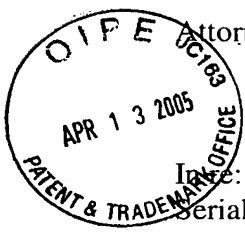


IFW/DAC



Attorney Docket No.: 5649-1218

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lee et al.

Confirmation No.: 5987

Serial No.: 10/721,480

Group Art Unit: 2818

Filed: November 26, 2003

For: FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION
ADHESION LAYERS AND METHODS OF FORMING THE SAME

April 11, 2005

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of **November 25, 2003** rather than November 26, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 25, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing Express Mail Number EV 318417427 US associated with the Express Mail Package including the present Application and the date of Applicants' filing on Page 2 (**Appendix A**);
2. True and accurate copies of communications from United States Postal Service (USPS) showing (**acceptance and pickup**) of the Express Mail Package by the USPS on **November 25, 2003** at 17:57 in Raleigh, North Carolina 27622 as suggested by the USPTO (**Appendix B**).
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 26, 2003 instead of the Express Mail date of November 25, 2003 (**Appendix C**).

Similar petitions were filed on December 29, 2004, and February 3, 2005, wherein Applicants' requests for granting of the proper filing date were denied.

As shown by the above evidence provided by the USPS, the Express Mail Package having Express Mail Number EV 318417427 US (including Applicants' Application) was accepted by the USPS on November 25, 2003. Furthermore, the Postcard evidences actual receipt of the Application by the USPTO on November 26, 2003. Therefore, Applicants respectfully request that Applicants' Application be accorded the proper filing date of November 25, 2003, as the Application was properly filed under 37 C.F.R. § 1.10 on November 25, 2003.

Furthermore, Applicants respectfully note that in Applicants' petition filed on February 3, 2005, Applicants provided evidence showing that the Application was received by the USPTO on November 26, 2003, and therefore, the Application was mailed no later than November 25, 2003. In denying the petition, the Office remarked that petitioners may not rely on the USPS track and confirm printout showing only the date of delivery (November 26, 2003) as evidence of the date of acceptance of the application: "The mere fact that the Application was delivered by the USPS on 26 November 2003 is not proof that the application papers were deposited with the USPS on 25 November 2003." *Decision on Petition mailed March 11, 2005*. In response, Applicants respectfully point out that the present Application was mailed from Raleigh, North Carolina on November 25, 2003, and delivered to the USPTO on November 26, 2003. Applicants respectfully submit that the evidence of Express Mailing from Raleigh, North Carolina and receipt by the USPTO on November 26, 2003, is sufficient evidence, by itself, to grant the petition for the corrected filing date of November 25, 2003 as same day delivery is not provided from Raleigh, North Carolina to the USPTO by Express Mail. The evidence shows that the Application could not have been received by the USPTO on November 26, 2003 if the Application were mailed from Raleigh, North Carolina after November 25, 2003. Therefore, the Application was mailed no later than November 25, 2003.

On the basis that Applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

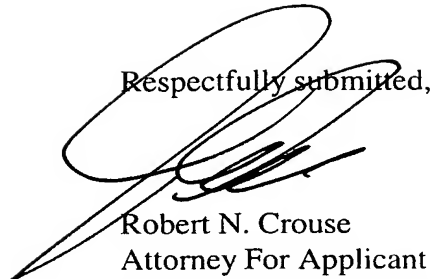
In re: Lee et al.

Serial No.: 10/721,480

Filed: November 26, 2003

Page 3 of 3

Respectfully submitted,



Robert N. Crouse
Attorney For Applicant
Registration No. 44,635

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec

Post Office Box 37428

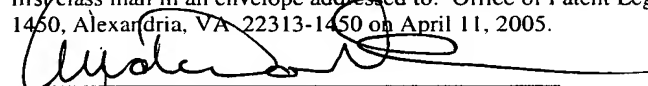
Raleigh, North Carolina 27627

Telephone: 919/854-1400

Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460 on April 11, 2005.



Audra Wooten

Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5649-1218

DATE: November 25, 2003

UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Kyu-mann Lee

Kun-sang Park

Sang-don Nam

Entitled: FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION ADHESION LAYERS AND METHODS OF FORMING THE SAME

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 17 pages of Specification (including 25 claims)
3. ☒ 9 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 5 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (*Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).*)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	25 - 20 =	5	x 09 = \$	x 18 = \$90.00
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$ - 0 -
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$860.00

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$360 is enclosed to cover the filing fee and a check in the amount of \$40.00 is enclosed for the Assignment Recordation fee.
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.


Respectfully submitted,

Robert N. Crouse
Registration No. 44,635

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318417427 US
Date of Deposit: November 25, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Audra Wooten

Appendix B

EXPEDITED SERVICES
RALEIGH NC 27676-9602



April 4, 2005

Myers Bigel Sibley &
Sajovec, P.A.
PO Box 37428
Raleigh NC 27627

To Whom It May Concern:

On November 25, 2003, a representative of the above company mailed a piece of Express Mail from our Crabtree Station. The item Express Label EV318417427US weighed between one and two pounds. This item was addressed to PO Box 1450, Alexandria, Va, 22313 and was delivered to and signed for by the Patent Office on November 26, 2003 at 10:53 AM. The authorized agent's name was Vernon Register. A copy of the signature is attached.

I hope this is what you need to prove this item was accepted and mailed from Crabtree Station, Raleigh, NC, 27622-9998.

Sincerely,

A handwritten signature in cursive script that reads "Donna Mullins".

Donna Mullins
Administrative Clerk
Expedited Services
USPS
PO Box 9602
Raleigh NC 27676-9602

PO BOX 9602
RALEIGH NC 27676-9602
919-420-5180
FAX: 919-420-5363

This fax was received by GFI FAXmaker fax server. For more information visit: <http://www.gfi.com>

BEST AVAILABLE COPY

Direct Query - Intranet - "Quick" Search



Track/Confirm - Intranet Item Inquiry - Domestic

Item: EV31 8417 427U S		Date/Time Mailed: 11/25/2003 17:57	
Destination	ZIP Code: 22313	City: ALEXANDRIA	State: VA
Origin	ZIP Code: 27622	City: RALEIGH	State: NC
Class: Express Mail - PO to addressee			
Scheduled Delivery Date: 11/26/2003 12:00			
Record Restored on 04/04/2005: This signature/address image has been archived and is no longer available for viewing.			

Event	Date/Time	Location	Scanner ID
DELIVERED	11/26/2003 10:53	ALEXANDRIA, VA 22313	K607845
	Firm Name: PATENT OFFICE		
	Recipient: 'V REGISTER'		
	Request Delivery Record		
ARRIVAL AT UNIT	11/26/2003 09:00	DULLES, VA 20102	J811581
ENROUTE	11/25/2003 19:28	RALEIGH, NC 27623	K362481
ACCEPT OR PICKUP	11/25/2003 17:57	RALEIGH, NC 27622	L372825

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on [multiple items](#).Go to the Product Tracking System [Home Page](#).

Appendix C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BNC/ab Date: 11-25-03
Doc. No. 5649-1218
Serial No. TBA
Inventor: Lee et al.

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:
☒ Specification pages 17
☒ No. of Claims 25
☒ Declaration & POA
☒ Assignment and Fee \$40
☐ Small Entity Statement
☒ Formal Drawings/ 9 sheets
☒ Associate Power of Attorney
☒ Exp. Mail ☐ 1st Class Mail
Other: _____

☒ Check \$ 860.00
☒ IDS & PTO-1449 & 5 refs.
☐ Amendment & Amend. Transmittal
☐ Preliminary Amendment
☐ Issue Fee
☐ Brief
☐ Appeal
☐ Submittal of Priority Doc.

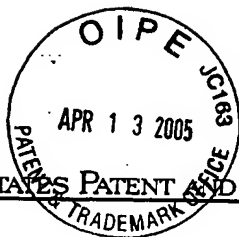
22386 U.S. PTO
10/721480

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant



112603

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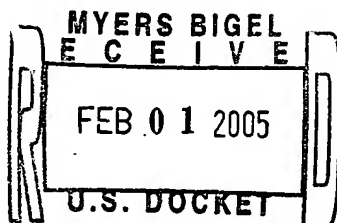


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/721,480	11/26/2004	2818	860	5649-1218	9	25	2

Robert N. Crouse
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627



CONFIRMATION NO. 5987

FILING RECEIPT



OC000000015047706

Date Mailed: 01/27/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kyu-Mann Lee, Gyeonggi-do, KOREA, REPUBLIC OF;
Kun-sang Park, Gyeonggi-do, KOREA, REPUBLIC OF;
Sang-don Nam, Seoul, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number 20792.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2002-73906 11/26/2002
REPUBLIC OF KOREA 2003-45784 07/07/2003

If Required, Foreign Filing License Granted: 08/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/721,480**

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Ferroelectric memory devices including protection adhesion layers and methods of forming the same

Preliminary Class

365

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).